

12W 2667

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Chun

Serial No.: **09/814,658**

Filed: **March 21, 2001**

For: **Timing Distribution Redundancy in a
Wireless Network**

Docket No: **4740-060**

PATENT PENDING

Examiner: Mr. Christopher Grey

Group Art Unit: 2667

Confirmation No.: 4338

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

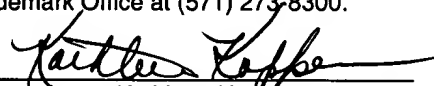
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

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14 April 2006

Date


Kathleen Koppen

Terminal Disclaimer and Interview Summary

This paper is being filed in response to the phone conversation held between the examiner and the applicant's representative on 14 April 2006. On 14 April 2006, the examiner called the applicant's representative. During this phone conversation, the examiner requested that the applicant file a terminal disclaimer. In response, the applicant files the enclosed terminal disclaimer that disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration of the full statutory term of Patent No. 6,898,212. The applicant includes a check for \$130.00 to cover the fees for the terminal disclaimer defined by 37 CFR 1.20(d). While no other fees should be required, if any additional fees are required, the applicant authorizes the Commissioner to charge them to

Deposit Account 18-1167. Should any other issues remain, the applicant requests that the examiner call the undersigned so that any such issues may be expeditiously resolved.

Respectfully submitted,

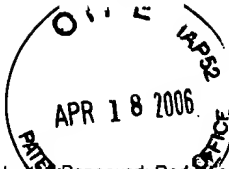
COATS & BENNETT, P.L.L.C.

A handwritten signature in cursive script, appearing to read "Jennifer K. Stewart", written over a horizontal line.

Jennifer K. Stewart
Registration No.: 53,639

Dated: 14 April 2006

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
4740-060

In re Application of: Chun

Application No.: 09/814,658

Filed: 21 March 2001

For: Timing Distribution Redundancy in a Wireless Network

The owner*, Telefonaktiebolaget LM Ericsson (publ.), of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,898,212 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 53,639


Signature

14 April 2006
Date

04/19/2006 WASFAW1 00000042 09814658

Jennifer K. Stewart
Typed or printed name

01 FC: 814

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919-854-1844
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.